IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No. 14464 of 2004

Between:

S.Syama Sundara Rao, S/o S.Yellamanda,
A.P.Residential School (BC) Boys, Hills Colony, Nagarjuna Sagar,
Nalgonda District.

..... PETITIONER.

AND

1.The Secretary, A.P.Residential Educational Institutions Society,
III Floor, Gagan Vihar, M.J.Road, Hyderabad.
2.The Secretary, A.P.Tribal Welfare Residential Educational
Institutions Society, Masab Tank, Hyderabad.

.....RESPONDENTS.

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus, declaring the action of the respondents in allotting/assigning/transferring the petitioner from his present place vide proceedings Rc.No.9020/A4-1/2004, dated 25-2-2004 of the 1st respondent as arbitrary, illegal, unfair and unjust and violative of Articles 14, 21 39A and 41 of the Constitution of India.

Counsel for the Petitioner: Mr.P.R.BALARAMI REDDY

Counsel for the Respondents: Mr.VIJAYA BHASKAR MOOLA,

STANDING COUNSEL FOR APREIS.

The Court at the admission stage made the following :

ORAL ORDER:

The petitioner questions the proceedings of first respondent dated 25-2-2004 relieving him from first respondent society and to work in second respondent society. Pursuant to the bifurcation of first respondent society into two societies, options were called for and the petitioner initially opted to work in second respondent society as Physical Director. Thereafter, he has filed a representation on 25-9-2001 to retain him in first respondent society and his request was considered and vide proceedings dated 11-10-2001 and he has been retained with first respondent and has been working as Physical Director at A.P. Residential School, Nagarjunasagar. While so, first respondent issued proceedings dated 25-2-2004 stating that the continuation of teachers allotted to second respondent society in first respondent is illegal and contrary to the earlier decision and, therefore, the petitioner and others working in first respondent society have to be relieved and they have to report before second respondent society.

Learned Standing Counsel for APREI Society submits that pursuant to the said order dated 25-2-2004, the petitioner was already relieved and he is not working in either of the places.

Admittedly, the said order dated 25-2-2004 has been passed without giving any notice and without giving any opportunity to the petitioner. Earlier, some of the similarly situated persons questioned similar order before this Court and in one such writ petition being W.P.No.5996 of 2004 this Court set aside the same on the ground that it is against the principles of natural justice as the same was passed without giving any opportunity. However, the respondents were directed to issue a notice and pass appropriate orders after giving reasonable opportunity to the petitioner therein.

Following the order of this Court in W.P.No.5996 of 2004 dated 16-4-2004, this writ

petition is allowed setting aside the order dated 25-2-2004 insofar as the petitioner is concerned, and first respondent is directed to issue notice to the petitioner and pass appropriate orders after giving reasonable opportunity to the petitioner in accordance with the rules within a period of two weeks from the date of receipt of a copy of this order. As the petitioner is said to have been relieved from first respondent society, it is open to him either to report before second respondent institution or await the orders that may be passed by first respondent. No order as to costs.

19th August 2004. **(V.ESWARAIAH, J.)**

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To

1.The Secretary, A.P.Residential Educational Institutions Society,
III Floor, Gagan Vihar, M.J.Road, Hyderabad.
2.The Secretary, A.P.Tribal Welfare Residential Educational
Institutions Society, Masab Tank, Hyderabad.

3.Two C.D. copies.